IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.2028 OF 2006
IN
FIRST APPEAL ST. NO.8674 OF 2006

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

Mr.Vijay Gharat for the Applicants.

CORAM: A.S.OKA, J.
DATED: APRIL 21, 2006.

P.C.:

1. This application is filed by the Applicant praying for waiver of requirement of the deposit of amount which is a condition precedent for preferring the Appeal. The challenge in Appeal is to the Judgment and Order dated 14th February 2006 passed by the learned Commissioner for Workmen's Compensation, Mahad. By the impugned Judgment and Order, it is held that the present Appellants are the employers and are liable to pay compensation.

2. The proviso to Sub Section 1 of Section 30 of the Workmen's Compensation Act,1923 provides that no appeal by an employer under Clause (a) of Sub Section 1 shall lie unless the Memorandum of Appeal is accompanied by a certificate by the Commissioner to the effect that the Appellant has deposited the amount payable

under the order appealed against. The said section does not confer any power in this Court to relax the condition regarding pre-deposit. Hence, there is no merit in the Application.

3. It must be noted here that in view of the proviso to sub section 1 of Section 30 of the said Act of 1923, the Appeal ought not to have been accepted by the office without production of certificate as contemplated by law.

4. In number of matters, I find that the office is accepting filing of Appeals at the instance of employers without ensuring that the compliance is made with the provisions of law. The Registrar (Judicial-I) will bring this fact to the notice of the concerned Section Officers.

5. The Application is rejected. However, time of six weeks is granted to the Applicant to produce the certificate as required by law. If compliance is not made within stipulated period, the Appeal will stand dismissed for want of prosecution without reference to the Court.

Judge.

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